

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8322 of 2021

1 S.RAJKUMAR [PETITIONER / ACCUSED]
2 M.SANTHANAKRISHNAN
3 S.SAGUNTHALA DEVI
4 H.GOWTHAMI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
W-34, ALL WOMEN POLICE STATION,
ENNORE, CHENNAI-600 057.
CR.NO.3/2021.

For Petitioner : M/S.R.JAYAPRAKASH Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 498A of IPC in Crime No.3 of 2021, on the file of the 1st respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that there was a family dispute between the 1st petitioner and the defacto complainant. Further it is alleged that the petitioner demanded dowry and harassed the defacto complainant. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the 1st petitioner is the husband of the defacto complainant and the petitioners 2 to 4 are in-laws of the defacto complainant. The learned counsel submitted that due to some misunderstanding between the petitioners and the defacto complainant, the 1st petitioner filed HMOP.No.184 of 2020, seeking for divorce. Pending this petition, the defacto complaint has filed this false complaint. Hence, he sought for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the State submitted that this is purely a matrimonial dispute and a petition seeking divorce by the 1st petitioner is pending before the Sub-Court, Ponneri.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.side) that HMOP is pending before the Sub-Court, Ponneri, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Tiruvottiyur, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. (FOR INFORMATION)

3 THE SUB COURT,
PONNERI.

4 THE INSPECTOR OF POLICE,
W-34, ALL WOMEN POLICE STATION,
ENNORE, CHENNAI-600 057.

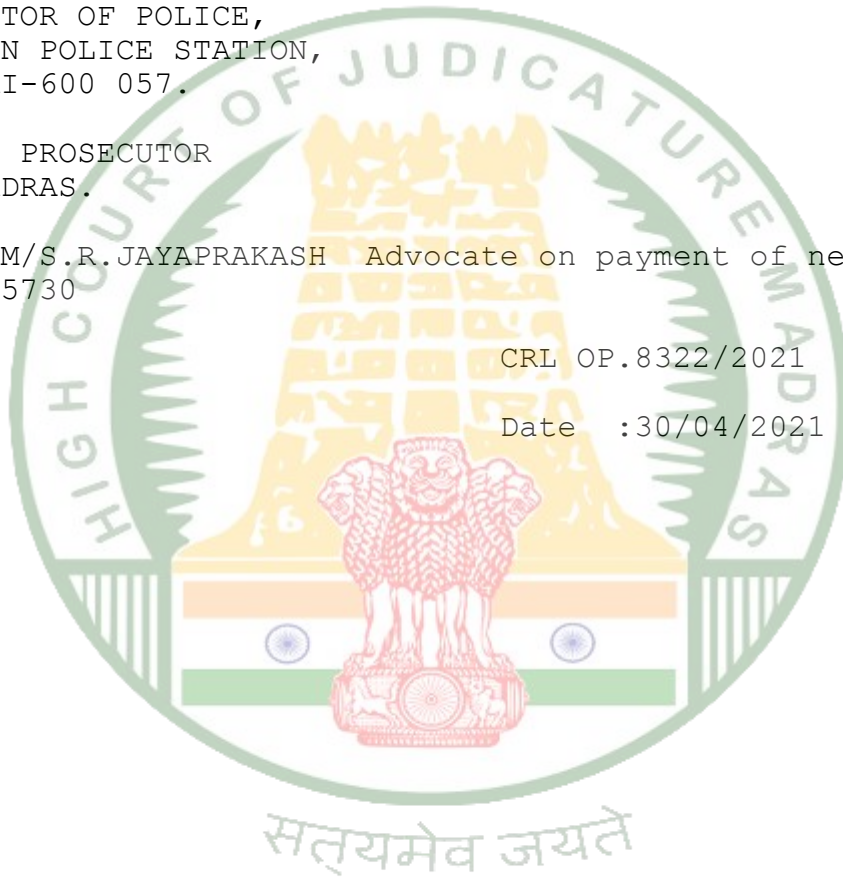
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges SR.NO.5730

CRL OP.8322/2021

Date :30/04/2021

TA-29/06/2021



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